

Zoning Commission Minutes

**May 2, 2013
3:00 pm**

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Kurt Froelich, Larry Messer, Sue Larsen, Klayton Oltmanns, and Jay Elkin present and absent were Gene Jackson, Chuck Steffan and Duane Grundhauser. Also present were Planner Steve Josephson, States Attorney Tom Henning, Auditor Kay Haag, Bill Fahlsing, and Nicole Roberts.

Klayton Oltmanns moved to approve the minutes from the March 28, 2013 meeting. Larry Messer seconded. All voted Aye and motion carried.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a preliminary plat following the Staff recommendations located in the SE4SE4 of Section 12, Township 140, Range 96 for Kay Haag.

STAFF RECOMMENDATION: Approval of the proposed preliminary plat dated April 15, 2013.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Jason and Melinda Wenko. The request was for a zoning change from Agricultural to Rural Residential in the N2 of Section 23, Township 138, and Range 96 containing approximately 6.5 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Rural Residential following the staff recommendations for Jason and Melinda Wenko.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Marty Steidl. The request was for a zoning change from Agricultural to Rural Residential in the SE4 of Section 2, Township 140, Range 98 containing approximately 9.9 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Rural Residential following the staff recommendations for Marty Steidl.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from M. Jackson Armstrong. The request was for a zoning change from Agricultural to Agricultural Residential in the SE4 of Section 35, Township 140, Range 95 containing approximately 18.79 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Agricultural Residential following the staff recommendations for M. Jackson Armstrong.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Tyrell Dworshak. The request was for a zoning change from Agricultural to Rural Residential in the NE4 of Section 33 Township 138, Range 96 containing approximately 5.01 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Kurt Froelich moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Rural Residential following the staff recommendations for Tyrell Dworshak.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Mitch Erdle and Scott Schneider. The request was for a zoning change from Agriculture to Agricultural Residential in the NW4 of Section 17, Township 139, Range 91 containing approximately 30 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agriculture to Agricultural Residential following the staff recommendations for Mitch Erdle and Scott Schneider.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County Subdivision regulations.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Dakota Prairie Refining, LLC. The request was for a zoning change from Residential, Agriculture to Industrial in the NE4 of Section 15, Township 139, Range 97 containing approximately 34.8 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Residential, Agriculture to Industrial following the staff recommendations for Dakota Prairie Refining, LLC.

STAFF RECOMMENDATION: Approval of the proposed rezoning to Industrial based upon the following findings:

- The proposed rezoning is comparable to and compatible with the existing zoning to the south, east and west of the subject property.

The request is consistent with the following objective of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Strive for a well-rounded, stable economic foundation for the county.

The request is consistent with the following implementation strategy of the Stark County Comprehensive Plan:

ECONOMIC DEVELOPMENT-Stark County supports the land use and zoning designation of an adequate supply of commercial and industrial land as needed to attract quality business and industrial development within the County. In particular this type of growth should be directed not only to areas adjacent to Dickinson but also to the rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield and the Highway 10 corridor between Dickinson and South Heart.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County Subdivision regulations.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Fisher Sand and Gravel Company. The request was for a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 30-acre tract located in the SE4 of Section 27, Township 140, Range 95. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations for Fisher Sand and Gravel Company.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. **The location of the gravel pit shall be as generally shown on the drawing received on April 12, 2013.**
 - b. **The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
 - c. **All mining and excavation sites must have at least a 3-to-1 slope.**

- d. The developer shall be responsible for all maintenance associated with the gravel pit facility.**
- e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.**
- f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.**
- g. The applicant shall be responsible for dust control along the haul route.**

The applicant shall be responsible for implementing a Weed Control Plan as prescribed by the Weed Control Officer for all new and invasive and noxious weeds as prescribed by the North Dakota Century Code. The applicant shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.
- h. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.**
- i. The applicant shall post a bond in an amount to be determined by the County Commission.**
- j. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- k. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- l. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. The applicant proposes locating the facility on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Fisher Sand and Gravel Company. The request was for a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 10-acre tract located in the NE4 of Section 27, Township 140, Range 95.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations for Fisher Sand and Gravel Company.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.

a. The location of the gravel pit shall be as generally shown on the drawing dated April 12, 2013.

b. The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.

c. All mining and excavation sites must have at least a 3-to-1 slope.

d. The developer shall be responsible for all maintenance associated with the gravel pit facility.

e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.

f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.

g. An inspection of the site shall be performed by the Stark County Weed Inspector within two weeks of approval of the conditional use by the Stark County Commission. The applicant shall be responsible for implementing all weed control measures prescribed by the Weed Control Inspector. The applicant shall provide a copy of the Weed Inspector's report and required weed control measures with the Stark County Zoning Administrator.

h. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.

i. The applicant shall post a bond in an amount to be determined by the County Commission

j. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.

k. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.

l. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.

The subject property is currently zoned Agriculture. The applicant proposes locating the facility on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Item has been cancelled due to applicant wanting to further take into consideration the concerns raised by Steve Josephson, County Planner.

Steve Josephson, County Planner, discussed the following items:

Gravel pit application

Changing the timing of the agenda in the future

Klayton Oltmanns moved to adjourn. Larry Messer seconded.